S.B. Civil Misc. Appeal No.2638/06

Nelto Systems Limited

Vs.

Natural Technologies Private Limited

Date of Order : 07/08/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Manish Bhandari] for appellant
Mr. Vinod Bhagat]

Instant appeal has been filed against the ex-parte order dated 14th June, 2006 passed in Civil Suit No.590/06.

Counsel submits that appellant-defendant has already moved an application on 4th July, 2006 under O.39 R.4 CPC for vacation of ex-parte order and thereafter, the matter was listed on 4-5 different occasions, but could not be heard for one or other reason which is presently pending in the Court of Additional District & Sessions Judge No.9.

Even otherwise all objections with regard to ex-parte order have to be raised before the concerned Court where the matter is pending and I am not inclined to interfere at this stage.

Counsel informed that Presiding Officer is not well and for this good reason, their application could not be heard. If that be so, the petitioner is free to file application before the learned District Judge and looking to the urgency of the matter, the learned District Judge may see that their application be expeditiously disposed of. Appellant is always free to file application if the matter is not expeditiously heard in this court.

With these observations, the appeal stands disposed of.

[Ajay Rastogi],J.

FRB